

KAREN STIPE, )  
)  
Petitioner, )  
)  
v. ) No. 4:09MC138 HEA  
)  
COMMISSIONER OF INTERNAL )  
REVENUE, )  
)  
Respondent. )

This matter is before the Court on petitioner's motion to quash subpoena duces tecum. The motion will be denied for lack of jurisdiction.

Under Rule 45 of the Federal Rules of Civil Procedure, a motion to quash must be addressed to the court that issued the subpoena. Fed. R. Civ. P. 45(c)(3); *see Kearney for Kearney v. Jandernoa*, 172 F.R.D. 381, 383 (N.D. Ill. 1997) (“a motion to quash, under Rule 45(c)(3)(A), must be filed and decided in the court from which the subpoena issued.”); *see also In re Digital Corp.*, 949 F.2d 228, 230-31 (8th Cir. 1991)

(applying same rule as to Rule 45(d)). As a result, this Court lacks jurisdiction to grant the motion, and the motion will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to quash is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff's motion to proceed in forma pauperis is **GRANTED**.

Dated this 8th Day of May, 2009.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in black ink.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE